

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION

Case No. 18-cv-1776 (JRT/HB)

This Document Relates To:

COMMERCIAL AND
INSTITUTIONAL INDIRECT
PURCHASER PLAINTIFF ACTION

**DECLARATION OF JONATHAN CUNEO IN SUPPORT OF
COMMERCIAL AND INSTITUTIONAL INDIRECT PURCHASER
PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES,
REIMBURSEMENT OF LITIGATION EXPENSES, SET ASIDE
FOR FUTURE LITIGATION EXPENSES, AND CLASS
REPRESENTATIVE SERVICE AWARDS**

I, Jonathan W. Cuneo, declare as follows:

1. I am an attorney admitted to practice *pro hac vice* in the District of Minnesota in the above-captioned lawsuit. I have practiced law since 1978 and am a partner with the firm of Cuneo, Gilbert & LaDuca, LLP in Washington, D.C. I have litigated class actions and other complex matters most of my career. This declaration is submitted in support of Commercial and Institutional Indirect Purchaser Plaintiffs' Motion for an Award of Attorneys' Fees, Reimbursement of Litigation Expenses, Set Aside for Future Expenses, and Class Representative Service Awards.

2. I am one of the Interim Co-Lead Class Counsel appointed by the Court to represent the putative litigation and provisionally certified settlement class of commercial institutional indirect purchaser plaintiffs (“CIIPPs”) in this litigation.

3. The law firms representing the CIIPPs have worked on this litigation on a contingent basis since 2018. My law firm, and the law firms representing the CIIPPs under the direction of Interim Co-Lead Counsel for the CIIPPs, have done so without any guarantee of being paid for their time or being reimbursed for the considerable expenses and time devoted in the pursuit of the case involved in the settlement currently before the Court.

4. We have worked in coordination with other co-counsel for the CIIPPs. Work assignments in this case have been made by Interim Co-Lead Counsel (Larson • King, LLP and Cuneo Gilbert & LaDuca, LLP) to avoid duplicative efforts and my firm has worked efficiently on behalf of our named representative clients and the absent class members.

5. The schedule attached to this declaration as Exhibit A, and incorporated herein, is a summary of the amount of time spent by my firm’s partners, attorneys, and professional support staff who were involved in this litigation through the end of July 2021. The lodestar calculation is based on my firm’s current billing rates for antitrust class action litigation. Exhibit A was prepared from computerized time records regularly prepared and maintained by my firm. The hourly rates for my firm’s partners, attorneys, and professional support staff included in Exhibit A are the customary hourly rates charged for their services in similar complex litigation. In addition, my firm has submitted fee petitions in other cases that have reported hourly rates at amounts comparable to those sought here, and courts have approved an award of attorneys’ fees in such cases.

6. The total number of hours reasonably expended on this litigation by my firm from inception through July 31, 2021 is 2573.20. The total lodestar for my firm at current rates is \$1,960,605.00. Expense items are billed separately and are not duplicated in my firm's lodestar.

7. The expenses my firm incurred in litigating this action are reflected in the books and records of my firm. These books and records are prepared from expense vouchers, receipts, check records, and other source materials and accurately reflect the expenses incurred.

8. My firm incurred a total of \$28,104.00 in unreimbursed expenses, all of which were reasonable and necessary for the prosecution of this litigation. A summary of those expenses by category is attached as Exhibit B. Assessments my firm paid to a litigation expense fund for this case are not included in Exhibit B and will be addressed separately in another declaration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 28, 2021

/s/ Jonathan W. Cuneo
Jonathan W. Cuneo